

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
GOLDEN UNICORN ENTERPRISES INC. et al, *on behalf of themselves and all others similarly situated,* :
Plaintiffs, : 21-CV-7059 (JMF)
: ORDER
-v- :
AUDIBLE, Inc., :
: Defendant.
:
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JESSE M. FURMAN, United States District Judge:

On November 1, 2021, Defendant filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. *See* ECF No. 16. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiffs shall file any amended complaint by **November 22, 2021**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiffs shall file any opposition to the motion to dismiss by **November 22, 2021**. Defendant's reply, if any, shall be filed by **November 29, 2021**.

Finally, it is further ORDERED that the initial pretrial conference scheduled for November 30, 2021 remains in effect.

SO ORDERED.

Dated: November 2, 2021
New York, New York



JESSE M. FURMAN
United States District Judge